

OAKLAND UNIFIED SCHOOL DISTRICT
Office of Board of Education

June 11, 2008

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By: _____

TO: Board of Education

FROM: Special Committee on School Admissions, Attendance and Boundaries
Kerry Hamill, Chair
Gary Yee, Member
Christopher Dobbins, Member

Staff to the Special Committee

Vincent Matthews, State Administrator (Superintendent of Schools)
Kirsten Vital, Chief of Community Accountability
Juwen Lam, Demographer

SUBJECT: Approval of Amended Board Policies 5116 - School Attendance Boundaries and
5116.1 - Intradistrict Open Enrollment

ACTION REQUESTED

Approval of proposed Amended Board Policies 5116- School Attendance Boundaries and 5116.1 - Intradistrict Open Enrollment effectively providing a redirection remedy to enrollment overcrowding at Hillcrest K-8 School, any similarly situated District school and preserving the integrity of current School Attendance Boundaries and Open Enrollment consistent with legal requirements, respectively.

DISCUSSION

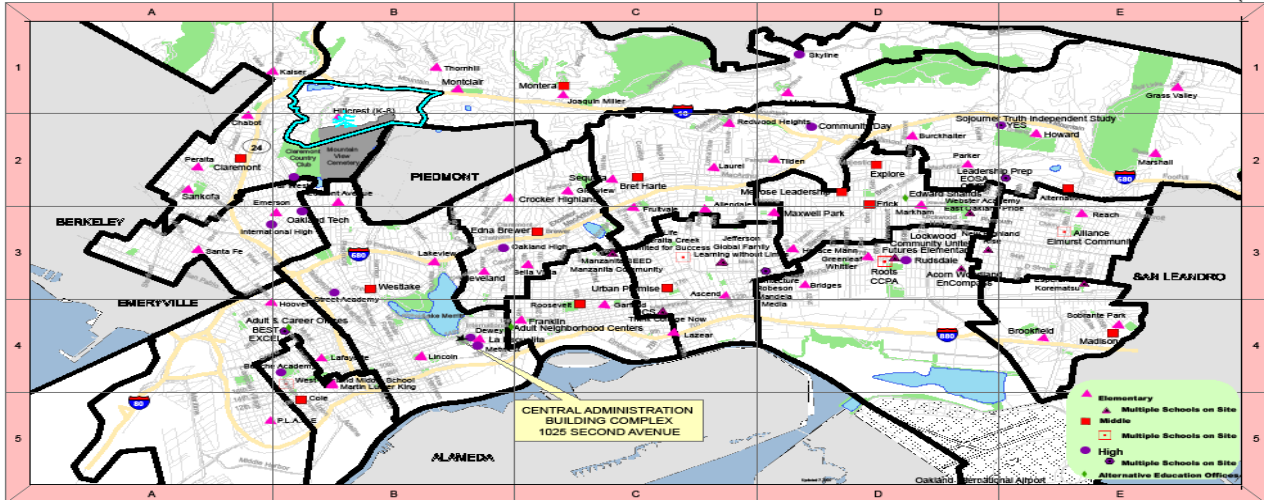
The Board Special Committee on Admissions, Attendance and Boundaries was established pursuant to Resolution 0708-0140 with the specific charge to investigate, review and make policy recommendations to the Governing Board on the stated subject matter and other matters as subsequently assigned.

The Special Committee on School Admissions, Attendance and Boundaries is recommending the amendment of the two stated policies to relieve overcrowding at Hillcrest School while preserving the integrity of school boundaries and open enrollment district wide consistent with legal requirements.

Board adoption of the amended policies, as recommended by the Committee, will have the effect or impact for the Hillcrest K-8 School as follows: a) Preserve competitive Open Enrollment and Open Enrollment priorities for Hillcrest neighborhood families through the annual Open Enrollment Process up to the maximum capacity of the school; b) Upon the school reaching maximum enrollment capacity a pupil not admitted from the Hillcrest neighborhood under the competitive Open Enrollment process will be redirected to an elementary school within the North Oakland Middle Schools Boundary: i.e., Chabot, Emerson, Peralta, Santa Fe, Kaiser and Sankofa Schools.

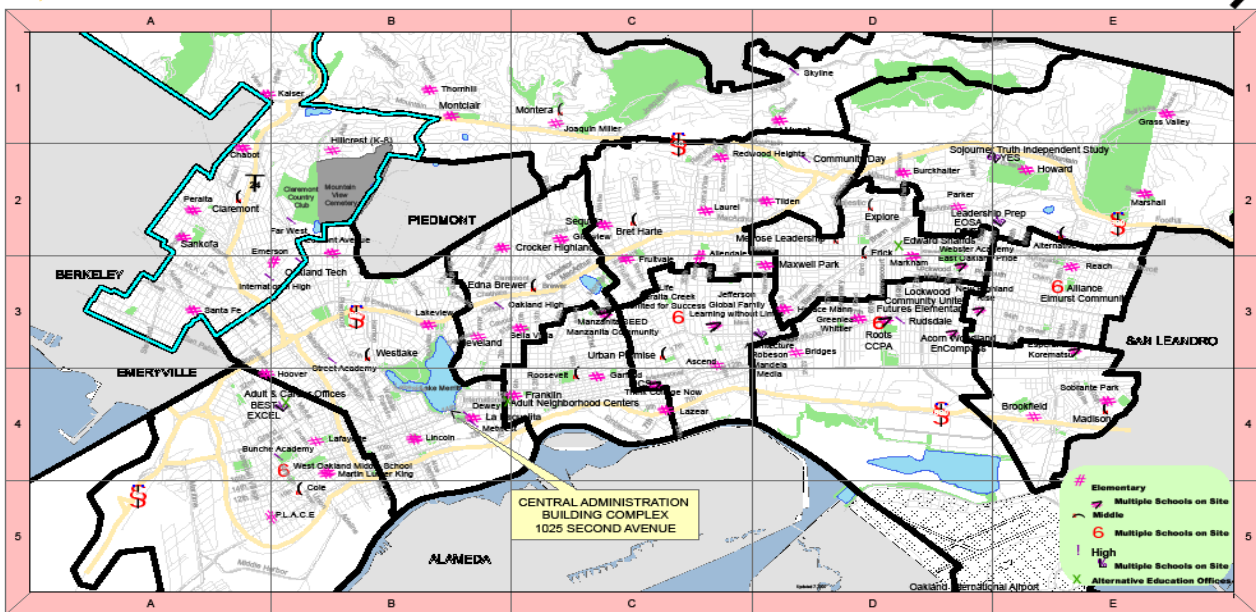
District current middle school boundaries, including Hillcrest, are drawn as illustrated in the following map:

Oakland Unified School District: 2008-2009 Middle School Boundaries



The middle school boundaries, if the proposed amendment of policies is adopted, will be adjusted for Hillcrest overcrowding, as drawn and illustrated in the map below, to accommodate redirection of Hillcrest elementary pupils, not admitted to Hillcrest when the school has reached maximum enrollment capacity under the competitive Open Enrollment and Open Enrollment Priorities process, to one of the named other elementary schools in the North Oakland Middle Schools Boundary.

Middle Boundaries Including Proposed Hillcrest Adjustment



Once a student is admitted into Hillcrest, or any other District elementary school, his/her siblings will have admissions priority pursuant to the Intradistrict Open Enrollment Policy.

BUDGET IMPACT

Adoption of the recommended Amended Policies will have limited budget impact. The attendance is projected to remain stable at Hillcrest. There is potential for some families to be less satisfied with the policy and opt not to attend an elementary school within the North Oakland Middle Schools boundary.

LEGAL IMPACT

Adoption of the Amended Policies, as recommended herein, will have the same effect and impact for enrollment of pupils District wide under the Open Enrollment and Open Enrollment Priorities process. As such, the changes in policy, if adopted, are expected to withstand any legal challenges that may arise.

RECOMMENDATION

Approval of proposed Amended Board Policies 5116 - School Attendance Boundaries and 5116.1 - Intradistrict Open Enrollment effectively providing a redirection remedy to enrollment overcrowding at Hillcrest K-8 School, any similarly situated District school and preserving the integrity of current School Attendance Boundaries and Open Enrollment consistent with legal requirements, respectively.

Attachments: Proposed Amended Board Policy – Students – BP 5116 – School Attendance Boundaries
Proposed Amended Board Policy – Students – BP 5116.1 – Intradistrict Open Enrollment

**OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy**

BP 5116.1
Students

Intradistrict Open Enrollment

Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of District students within the constraints of school capacity. The Superintendent or designee shall establish procedures for the selection and transfer of students among District schools in accordance with law, Board policy and administrative regulation.

(cf. 5117 - Interdistrict Attendance)
(cf. 5117.1 - Interdistrict Attendance Agreements)
(cf. 5117.2 - Alternative Interdistrict Attendance Program)

Enrollment Priorities

Interdistrict Attendance: The parents/guardians of any student who resides within District boundaries may apply to enroll their child in any District school, regardless of the location of residence within the District.

Open Enrollment priorities shall be given as follows and implemented in accordance with the constraints of the school's facilities capacity:

1. Siblings of students who are currently enrolled in the school and both siblings will be concurrently enrolled in the same school the following year
2. Neighborhood residents
3. Students re-directed from their overcrowded neighborhood school who reside within the elementary school mega-boundary defined as follows: elementary schools within each middle school boundary
4. If a District school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another District school.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives

admission requests that are in excess of the school's capacity.

(cf. 0420.4 - Charter Schools)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6171 - Title I Programs)
(20 USC 6316)
(Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

(Education Code 35160.5)
(cf. 6172 - Gifted and Talented Student Program)

If a District school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another District school or charter school. (20 USC 6316)

Safety

Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another District school.

The Superintendent or designee may approve a student's transfer to a District school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either:

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction

(20 USC 7912) 5 CCR 11992
(Education Code 35160.5)

(cf. 0450 – Comprehensive Safety Plan)

Transportation

Except as required by 20 USC 6316, for transfers out of Title I program improvement schools, the District shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option

200.43 Restructuring, transfer option

200.44 Public school choice, program improvement schools

200.48 Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>



OAKLAND UNIFIED
SCHOOL DISTRICT

expect **Success**

every student. every classroom. every day.

SCHOOL PORTFOLIO MANAGEMENT OFFICE

7/14/04; 8/9/06A; 12/19/07A; 6/25/2008A

DRAFT

OAKLAND UNIFIED SCHOOL DISTRICT Administrative Regulations

AR 5116.1
Students

Intradistrict Open Enrollment

Siblings

Pursuant to District policy, all siblings have the priority to attend the school that their sibling is currently attending in order to keep families together.

Pre-K, 5th grade and 8th Grade families must participate in the Intradistrict Open Enrollment process for the following year by completing an application for their neighborhood schools within the open enrollment window. Upon assignment, they must confirm their enrollment at the school site by the May confirmation date or forfeit their assignment. Priority is given first to students who already have a sibling attending the school and both siblings will be concurrently enrolled in the school the following year. Second priority is given to neighborhood residents. Third priority is given to students who have been re-directed from their overcrowded elementary neighborhood school and reside within the middle school boundary. Any schools that have available space after these priorities can receive additional students from outside of the neighborhood through the Intradistrict Open Enrollment process.

Other Intradistrict Open Enrollment

To implement Intradistrict Open Enrollment pursuant to Education Code 35160.5:

1. Pre-K, 5th grade, 8th grade students/families and those who wish to change schools complete applications during the Intradistrict Open Enrollment window. Our process emphasizes siblings first.
2. The Superintendent or designee shall identify those schools which may have space available for additional students for the following school year. A list of these schools and open enrollment applications shall be available online and at the Student Assignment and Bilingual Testing Office during the Intradistrict Open Enrollment Window period. Regional enrollment informational fairs will be held annually in order for families to receive information about available schools.
3. Students of parents/guardians who submit applications to the District shall be considered for admission to their school of choice the following school year under the District's open enrollment policy.
4. If the number of applicants exceeds the number of available spaces, a lottery process from the eligible applicant pool shall determine enrollment in a school of choice. The lottery will prioritize neighborhood and

non neighborhood siblings first, neighborhood students without siblings second, students residing within the elementary school's mega boundary as defined by Board policy who have been re-directed from their overcrowded neighborhood school, PI status of the student's neighborhood school and random lottery for remaining applicants.

5. The Superintendent or designee shall inform applicants by mail of their assignments from the lottery. The Student Assignment and Bilingual Testing Office will manage the appeal process. Students can be placed on a waitlist by appealing after the lottery. Students will only be placed on a waitlist if he/she lives in the neighborhood, has a sibling at the school, or has other extenuating circumstances that will be handled on a case by case basis. Those who appeal will be informed of their approval, denial or waitlisted status within three weeks. After the enrollment confirmations occur in May at the school sites, students on a waitlist will be placed at their desired school as space becomes available.

6. Late applications, including transfer requests after the open enrollment window, for the following year will be treated within the appeal process. Transfer requests for documented safety reasons, family relocation, or PI status during the academic year will be handled by the Student Assignment & Bilingual Testing Office pursuant to Board Policy. All other transfer requests will be determined by the school's supervising Network Executive Officer.

7. Assigned applicants must confirm their enrollment by registering at their assigned school within the published May specified timeframe. Failure to do so will forfeit their assignment and allow placement of those active on the waitlist.

Once enrolled, a student shall not be required to apply for readmission. Any complaints regarding the selection process shall be submitted to the Superintendent or designee.
(cf. 1312 - Complaints Concerning the Schools)

Enrollment under the No Child Left Behind Act

The Intradistrict Open Enrollment window allows all students in program improvement, corrective action or restructuring schools an opportunity to transfer to another OUSD school. The application for Intradistrict Open Enrollment allows for specific mention of this provision.

School Grounds that becomes dangerous for a student

Within a reasonable amount of time, not to exceed 10 days after notification that a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

After learning that a school has been designated as "persistently dangerous," within a reasonable amount of time, the Superintendent or designee shall notify parents/guardians of the school's designation and of their option to transfer.

(cf. 0450 - Comprehensive Safety Plan)

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as possible. If parents/guardians decline the assigned school, the student may remain in his/her current school.

This temporary transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous."

12/6/07; 12/19/07A; 06/25/08A